IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION No: 21934 of 1995

Between:

1 Gangi Reddy Sunder Reddy, S/o. Konda Reddy,
Pandurangapuram (V) Palvancha (M)
Khammam District.
2 Gangi Reddy Venkata Reddy, S/o. Konda Reddy,
Pandurangapuram (V) Palvancha (M)
Khammam District.
3 Gangi Reddy Chinnappa Reddy, S/o. Konda Reddy,
Pandurangapuram (V) Palvancha (M)
Khammam District.

..... PETITIONERS

AND

1 Mandal Revenue Officer,
Palvancha, Khammam District.
2 District Collector,
Khammam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, directing the respondents not to evict the petitioners

from the lands in Sy.Nos.126/27, 126/48, 126/134 and 126/81 in an extent of Ac.3.00, Ac.5.00, Ac.5.00 & Ac.1.00 respectively situated in Pandurangapuram, Palvancha Mandal, Khammam district.

Counsel for the Petitioners: MR.R.KAMESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

This writ petition is filed by the petitioners to direct the respondents not to evict them from the lands in Sy. Nos. 126/27, 126/48, 126/134 and 126/81 in an extent of Acs. 3.00, 5.00, 5.00 and 1.00 respectively situated in Pandurangapuram, Palvancha Mandal, Khammam District.

The brief facts of the case are that the petitioners are having lands in Sy. Nos. 126/27, 126/48, 126/134 and 126/81 in Pandurangapuram Village, Palvancha Mandal, Khammam District and that they are in possession and enjoyment of the said lands. After conducting enquiry, orders have been passed by the 1st respondent dated 16-4-1994 confirming the right of the petitioners over the said lands. While so, it is the case of the petitioners that the 1st respondent-Mandal Revenue Officer, Palvancha came along with his staff on 21-9-1995 to the lands and stated that the lands are government lands and the 2nd respondent-District Collector, Khammam asked him to take steps for assignment of the said lands to the landless persons. Hence, the writ petition.

Respondents have filed a counter affidavit stating that Sri Korivi Veeraiah is the pattadar to an extent of Acs. 10.00 in Sy. No.126/27, Sri Gangireddy Chinna Kondareddy who is the paternal uncle of the writ petitioners is the pattadar to an extent of Acs 15.00 in Sy. No.126/48 and Sri Gangireddy Kondareddy who is the father of the writ petitioners is the pattadar to an extent of Acs. 6.00 in Sy. No.126/81 and Acs. 5.00 in Sy. No.126/134 of Pandurangapuram village, which is a scheduled village. The father of the writ petitioners had purchased the land in Sy. No. 126/27 to an extent of Acs. 10.00 through an agreement from the said Korivi Veeraiah and that the writ petitioners have misrepresented the fact that they have purchased the land after 1970 with a view to escape the provisions of the

A.P. Land Transfer Regulations, 1970 and got the pattadar pass books in their favour from the 1st respondent. Apprehending that the pattadar pass books issued to them will be cancelled for violation of the provisions of A.P. Land Transfer Regulation 1/59 as amended by Regulation 1/70, the writ petitioners have filed this writ petition.

It is further stated that Sy. No. 126 consists of Acs. 5,096.00 and out of the said extent of land, Acs. 150.00 has been assigned to the scheduled tribals during the year, 1983. The respondents have denied the allegation of the writ petitioners that the Mandal Revenue Officer, Palvancha has made an attempt to hand over the patta land of the writ petitioners to other assignees. It is further stated that the respondents have initiated action for cancellation of the pattadar pass book issued to the writ petitioners for the extent of land purchased from Sri Korivi Veeraiah as the purchase made is contrary to the provisions of the A.P. Land Transfer Regulation-1/59 as amended by Regulation 1/70 and therefore void.

Having regard to the facts and circumstances of the case, without going into the merits of the case, the interest of justice would be met, if the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the lands in their possession, without following the due process of law.

The writ petition is accordingly disposed of. No costs.

lvl 28-10-2004

To

1 Mandal Revenue Officer,
Palvancha, Khammam District.
2 District Collector,
Khammam.

3 Two CCs to the Government Pleader for Revenue, High Court of

A.P., Hyderabad. (OUT)

4 Two CD copies.